

BOARD OF POLICE COMMISSIONERS

Minutes of the Regular Board of Police Commissioners Meeting Thursday, February 23, 2006

COMMITTEE OF THE WHOLE

The regular meeting of the Detroit Board of Police Commissioners was held on Thursday, February 23, 2006, at 3:00 p.m., at Police Headquarters, 1300 Beaubien, Detroit, Michigan 48226.

ATTENDANCE

Board Members Present

Erminia Ramirez
Jim Holley **(ABS)**
Mohamed Okdie
Willie Hampton **(ABS)**
Arthur Blackwell II **(ABS)**

Department Personnel Present

Chief Ella M. Bully-Cummings
DC Tony Saunders
Cmdr. Brain Stair
Lt. Eugene Goode
Lt. Jeffrey Romeo
Lt. Vicki Yost
Sgt. Melinee Long-Thomason
Sgt. Joanna Ali Johnson
Sgt. Traci Hogan
Sgt. Brain Harris
Sgt. Walter Clement
P.O. Sophia Nelms
P.O. Leslie Washington
Atty. Nancy Ninowski

Board Staff Present

Dante' L. Goss, Executive Director
Lawana Ducker, Personnel Director
Denise R. Hooks, Attorney/Supervising Inv.
Ainsley Cromwell, Acting Chief Investigator
P.O. Kent Cooper

OTHERS PRESENT

Dan Varner, Executive Director of Think Detroit Pal
Tawanna Morris
Ron Scott
Media

Atty. Fred Walker
Atty. John Goldpaugh

RECORDERS

Terence Bell
Robert Brown

1. CALL TO ORDER

Chairperson Ramirez called the regular meeting of the Detroit Board of Police Commissioners to order at 3:17 pm.

Chairperson Ramirez acknowledged the presence of Board members and staff.

2. APPROVAL OF MINUTES

The minutes for January 26, 2006, February 2, 2006, and February 9, 2006, February 16, 2006 were tabled due to a lack of a quorum.

3. REPORT FROM THE CHAIR

There was no chair report.

4. SECRETARY'S REPORT – EXEC. DIR. GOSS

CITIZEN COMPLAINTS RECEIVED

| | <u>This Week</u> | <u>Year to Date</u> |
|------------------------------------|------------------|---------------------|
| 2006 - Weekly Count of Complaints: | 20 | 190 |
| 2005 - Weekly Count of Complaints: | 17 | 150 |

- The Office of the Chief Investigator (OCI) closed a total of 12 cases this week.
- The Office of the Chief Investigator submitted 1 case to the Chief's Office.
- The Chief's Office has reviewed and returned 4 cases to OCI.

5. PRESENTATION/REPORT-CHIEF OF POLICE

6. PRESENTATION/REPORT –THINK DETROIT PAL

Dir. Varner introduced his staff from Think Detroit Pal.

Dir. Varner presented information on Think Detroit Pal.

(SEE ATTACHMENTS)

The following exchange occurred regarding the presentation:

Chairperson Ramirez asked how many police officers Dir. Varner has.

Dir. Varner stated currently, five officers, plus Sgt. Hogan.

Chairperson Ramirez asked where the programs are located.

Dir. Varner stated city wide.

Chairperson Ramirez asked where in the southwest district is the program located.

Dir. Varner stated we will be running a soccer program at Clark Park and all games will be held at Historic Fort Wayne.

Chairperson Ramirez asked if there's a membership fee.

Dir. Varner stated yes, ma'am, we have a standard rate, reduced rate and a rate of a dollar for the families that are in need.

Chairperson Ramirez asked is your fee scale from the federal guideline.

Dir. Varner stated their proxy is from Medicare. He stated if a family is on Medicare, they get a reduced rate.

Chairperson Ramirez asked if there will be a program at Patton Park.

Dir. Varner stated we don't know at this time. It will depend on the community use.

Chairperson Ramirez asked have you considered using Kemeny Recreation Center.

Dir. Varner stated Kemeny runs a little league baseball program and we have discussed partnering with them.

Chairperson Ramirez stated she really would like them to have a partnership, because that area feels like they are left out.

Dir. Varner stated their intentions are to be in every sector of the City.

Chairperson Ramirez asked if there are any programs for children with special needs.

Dir. Varner stated we don't currently have any, but we do have some kids with special needs participating in our programs. He stated they are looking into it and it is one of his long term goals.

Chairperson Ramirez stated she has seen some programs on television for kids with special needs.

Dir. Varner stated the Kellogg Foundation has a partnership with the Michigan Recreation Parks Association to finance programs for children with special needs. We are a member of that Association.

Chairperson Ramirez asked how is their success measured.

Dir. Varner stated by the number and a tool called Youth Programs Quality Assessment, which measures the quality of our programs.

Comm. Okdie asked who won the game (between Think Detroit Pal and Snoop Dogg).

Dir. Varner stated that all of the kids were winners, but Snoop Dogg's team won the game.

Comm. Okdie asked about the type of relationship Think Detroit Pal has with the Detroit Public Schools.

Dir. Varner stated a good one. Many of the facilities that PAL uses are their facilities. He stated that Think Detroit ran the soccer program for them.

7. APPEALS ARGUED

Chairperson Ramirez stated she has received and read the information pertaining to Sergeant Wedad Elhage.

She asked Atty. Walker and Atty. Ninowski can they get together and agree on a date for a Trial Board.

Atty. Ninowski stated the department and DPSLA for this limited purpose could agree to convene a Trial Board, but she would have to speak with the Chief on this matter.

Atty. Walker stated the dispute between the unions and the City is the reorganization and the current bargaining agreement. He stated both parties want a Trial Board, but under different circumstances. He does not believe they can agree on the composition.

Chairperson Ramirez stated that's why she raised the question.

Atty. Ninowski asked the Chair is she talking about a Trial Board under the current bargaining agreement for Sgt. Elhage only.

Chairperson Ramirez stated yes.

Atty. Walker stated his answer would be yes.

Chairperson Ramirez asked can both parties step out to see if you can agree on something.

(A break in the petition hearing filed on behalf of Sergeant Wedad Elhage)

Chairperson Ramirez asked Atty. Goldpaugh if he would like to speak on his matters.

Atty. Goldpaugh stated he filed a petition for the restoration of two officers to the payroll. He spoke to Atty. Hooks and Atty. Ninowski, and Atty. Ninowski asked for time to respond. He asked can the petition for Officer Williams and Officer Zarosly be put on for next week.

Atty. Ninowski stated she received the fax around 12 noon today and would like to respond in writing on behalf of the department.

Chairperson Ramirez stated she agrees.

Atty. Goldpaugh stated he has no objections.

8. (DISCIPLINARY APPEALS)

He stated on another matter there has been some discussion with Atty. Ninowski concerning Officer Dorsey. He received a copy of the recommendation from Atty. Hooks. He stated it is his understanding that Atty. Ninowski wouldn't have any objection to amending the charge. He believes the charge "Conduct Becoming an Officer" was not supported by the facts and it (the charge) should have been "Ignorance of Rules and Orders". He stated the officer testified that he thought the documents were owned by the medical section and not

Concentra. He is asking that the matter be amended to "Ignorance of Rules and Orders" and for the Board to accept the recommendation of the written reprimand on one charge and a two day penalty.

Comm. Okdie stated can you explain the medical report again.

Atty. Goldpaugh stated it's a complicated case. He stated Officer Dorsey went to Concentra Medical for medical treatment. After waiting a considerable amount of time he left, and took the medical records and went to get treatment somewhere else.

Comm. Okdie asked was he going to get treatment somewhere else.

Atty. Goldpaugh stated he was going to the hospital.

Comm. Okdie stated the question is was he going to get treatment some place else for the same condition.

Atty. Goldpaugh stated yes.

Comm. Okdie stated he took his medical records from that facility to the other facility for treatment.

Atty. Goldpaugh stated that's correct, he thought the records belonged to the department.

Comm. Okdie asked Atty. Goldpaugh if the department has records at other facilities, can anyone walk in and take those records from those facilities.

Atty. Goldpaugh stated no.

Comm. Okdie stated you said he thought the records belonged to the department. He stated the officer does not have authority to remove those records.

Atty. Goldpaugh stated he agrees.

Comm. Okdie asked what is your argument.

Atty. Goldpaugh stated the charge shouldn't be "Conduct Becoming an Officer", he thought he was doing the right thing.

Atty. Ninowski stated Atty. Goldpaugh is right. We have reached an agreement and we both agree that "conduct unbecoming an officer" should be "ignorance of rules and orders".

Chairperson Ramirez stated the next matter.

Atty. Goldpaugh stated he has discussed the matter with Atty. Ninowski and because Officer Jiminez is an excellent part of that unit, a written reprimand or one day penalty under the circumstances would be appropriate.

Chairperson Ramirez asked what the penalty was before.

Atty. Goldpaugh stated it was five (5) days, and the recommendation reduced that to two (2) days.

Chairperson Ramirez stated the recommendation from Atty. Hooks.

Atty. Goldpaugh stated that's correct.

Atty. Ninowski stated the finding by the Trial Board was a five (5) day suspension. She stated the department has no objection to the recommendation by Atty. Hooks. She asked for a moment to speak with the Chief. She stated after speaking with the Chief and Atty. Goldpaugh, we have settled on a one (1) day suspension.

Atty. Hooks stated with respect to the settlement matters, she would look to see how the Board should handle those procedurally. She stated whether or not they (Petitioners & DPD) would have to withdraw the complaint, or if there has to be a formal acceptance by the Board.

8. REQUEST TO RE-APPLY FOR G.R.E.A.T. GRANT-CHAIRPERSON

The grant request was tabled for approval until the next meeting.

9. REQUEST PERMISSION TO ACCEPT A DONATION OF EXERCISE EQUIPMENT-CHAIRPERSON

The grant request was tabled until the next meeting.

10. OTHER BUSINESS

There was no other business.

11. ANNOUNCEMENT OF NEXT MEETING

Thursday, February 23, 2006 @ 3:00 p.m.

Police Headquarters, Room 328-A
1300 Beaubien
Detroit, MI 48226

12. ORAL COMMUNICATION FROM THE AUDIENCE

T. Morris stated during the Super Bowl weekend, there was an incident at Motor City Casino and the officers handled it very well.

13. APPEALS ARGUED RESUMES

Atty. Ninowski stated she spoke to the Chief and they have agreed to a Trial Board, consisting of the current organizational structure of the department. She stated we would not agree to the current bargaining agreement calling for Commanders and Inspectors, but we will agree to Commanders and Deputy Chiefs.

Atty. Walker stated that is the essence of the dispute, when the department states they would not agree to the current bargaining agreement. He stated it is too late not to agree with that. The court made a decision for the department to reinstate the Inspectors to their rank.

Chairperson Ramirez stated to Atty. Walker that it would be good for his client to have a Trial Board under the new organizational structure. She asked has a date been set.

Atty. Walker stated not one we can agree on.

Comm. Okdie asked if it proceeds, in your mind, will this create a negative or set a bad precedence.

Atty. Walker stated a negative precedence.

Comm. Okdie asked will the precedence have an impact on labor issues.

Atty. Walker stated yes.

Comm. Okdie stated if you proceed under the new structure, you think your client will be at a disadvantage.

Atty. Walker stated yes, another way to resolve this is to let her work or suspend her with pay.

Comm. Okdie stated you need to take into consideration that the Board can't make a decision because there is not a quorum.

Chairperson Ramirez stated to Comm. Okdie she wanted to see if the two parties could resolve this matter.

Comm. Okdie stated to Atty. Walker he was not trying to stop him from making his point.

Atty. Walker stated the correspondence that he forwarded to the Board states in the manual they (the Board) have the authority to bring her back with pay. The event that gave rise to her suspension involves acting out based on alcoholism. The manual says "alcoholism is a disease". She has changed and has become a different person during the last six months.

Comm. Okdie asked was she deliberate in seeking treatment.

Atty. Walker stated yes.

Comm. Okdie asked did she pay for the treatment herself.

Atty. Walker stated she had to pay after her medical coverage had lapsed.

Comm. Okdie asked was she trying to find the means to support herself.

Atty. Walker stated yes.

Atty. Ninowski stated that the department in no way is saying they will not abide by the bargaining agreement. The Chief has eliminated the rank of Inspectors and that is why we would agree to the current structure. Under the bargaining agreement, the union has a make whole remedy and that is to file a duty status grievance, which they have done. That has gone to a fourth step hearing and is scheduled for an arbitration hearing. She believes the DPSLA should have a valid reason to justify the reinstatement of Sgt. Elhage.

Chairperson Ramirez asked when the hearing will take place.

Atty. Ninowski stated she doesn't get involved with the process.

Comm. Okdie asked Atty. Ninowski if she is saying that it's inappropriate for the DPSLA to bring this to the Board while they are pursuing arbitration.

Atty. Ninowski stated it was inappropriate for them to come before this Board without justification or extraordinary circumstances.

Comm. Okdie stated that's your interpretation, your interpretation is to take an aggressive approach to fix this issue.

Atty. Ninowski stated yes.

Atty. Walker stated there is nothing in the manual that speaks about extraordinary circumstances. He stated they did file a grievance that was heard on October 27, 2005. The collective bargaining agreement states they are to provide a written statement response in ten (10) days. We received it two (2) days ago. This was the holdup because we can't proceed without their response.

Comm. Okdie stated at this time, we are not able to make a decision.

Atty. Walker stated the department is stating the case is complex, but the court order is clear.

14. ADJOURNMENT

The meeting was adjourned at 4:19 p.m.

Respectfully submitted,

DANTE' L. GOSS
Executive Director
Board of Police Commissioners

DLG/rb